



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX – PACIFIC SOUTHWEST REGION
75 Hawthorne Street
San Francisco, CA 94105-3901

OCT 17 2019

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
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Mr. Scott Lawson
Oasis Mobile Home Park
Torres Martinez Desert Cahuilla Indian Reservation
88740 Avenue 70
Thermal, CA 92274

Subject: Emergency Administrative Order under Section 1431 SDWA
U.S. EPA Docket No. PWS-AO-2019-6008
Oasis Mobile Home Park Public Water System (090605129)

Dear Mr. Lawson:

The purpose of this letter is to notify you of ongoing violations of the above-referenced emergency order (“the Order”) that U.S. EPA Region 9 (“EPA”) issued to Oasis Mobile Home Park (“Oasis”) under Section 1431 of the Safe Drinking Water Act (“SDWA”), 42 U.S.C. § 300i, on August 27, 2019, to address EPA’s concerns about a potential imminent and substantial endangerment to human health from high levels of arsenic in Oasis’ public water system (“the System”). The Order also was intended to bring the System into compliance with SDWA’s maximum contaminant level (“MCL”) for arsenic of 10 parts per billion (“ppb”). In calendar year 2019, arsenic monitoring results taken at the System were above the arsenic MCL on April 16th, June 6th, and July 15th, at 16 ppb, 89 ppb and 97 ppb, respectively. Arsenic levels increased more than nine times the MCL. These high levels could result in acute and chronic health effects.

Oasis has failed to timely comply with the following requirements of the Order:

Alternative Water

Under paragraph 20 of the Order, Oasis must provide an alternative source of water to its customers at no direct cost to customers until the System comes into compliance with the arsenic MCL running annual average (“RAA”) or EPA notifies Oasis in writing that it may discontinue supplying alternative source of water to its customers. Based on a recent inspection and interviews with Oasis’ residents, it appears that Oasis has failed to meet this requirement because it restricts the time and manner that alternative water is provided. Specifically, Oasis has limited hours of operation during the weekend (9 am to 12 pm) and only allows the individuals named on the lease to pick up bottled water. Further, shortly after the Order was issued, Oasis raised the rent by \$100. While you assert that the raise in rent was scheduled prior to the issuance of the Order, the timing of it gives the appearance that Oasis is attempting to recoup its costs from its customers for providing water. If Oasis is attempting to recoup its costs of providing alternative water to its customers, this would be a violation of the Order.

Public Notice

Under the public notice requirements at 40 C.F.R. 141.203(a)(1), (b) and (c), the System must provide public notice of any MCL violation as soon as practical, but no later than 30 days after the system learns of a violation, and in a form and manner that is reasonably calculated to reach persons served. Oasis was

in violation of the public notice requirement prior to issuance of the Order, and paragraph 23 of the Order required that Oasis comply with the provision. However, Oasis continues to violate the requirement by posting misleading notices (see Attachment A photo) suggesting to the System's users that water is now safe to drink. Sampling data still does not establish that Oasis is no longer in violation of the arsenic MCL. On October 10, 2019, given Oasis' failure to provide adequate public notice, EPA inspectors posted public notices in English and Spanish on public property throughout Oasis and these public notice must not be removed and/or altered.

Technical Review of Arsenic Treatment System

Under paragraph 26 of the Order, Oasis "shall engage a technical provider with sufficient engineering knowledge and certification regarding the particular treatment system used by Respondents to assess and identify deficiencies related to the System's arsenic treatment." It is unclear whether Oasis has complied with this requirement, as it has provided the names of four different technical providers and has not clarified which one it has chosen or whether any of them has the requisite experience with this particular treatment system. Within 5 business days of receipt of this letter, Oasis shall identify to EPA Oasis' technical provider and describe this individual's experience and background with regard to Oasis' treatment system.

Disapproval of Work Plan

Finally, under Paragraph 27 of the Order, "Respondents shall develop and submit to EPA for review and approval the findings of its technical provider's review, a written work plan ("Work Plan") to address any identified deficiencies related to the arsenic treatment system, along with a proposed schedule for expeditious implementation of any identified measures or work to make the System function in a manner that ensures compliance," including reliably and consistently being in compliance with the arsenic MCL RAA in accordance with SDWA regulations. While Oasis submitted a plan on October 11, 2019, it is lacking in sufficient detail to meet the requirements of the Order, and must be revised and resubmitted with additional details before it is implemented. Specifically, it appears that the submitted Work Plan is based off of RCAC's Technical Review and recommendations, which was completed on August 23, 2019 prior to the issuance of the Order. Oasis should have its elected technical provider provide a new Technical Review, which could reference and/or use findings from the RCAC's Technical Review, as an attachment to the resubmitted Work Plan. In addition, the resubmitted Work Plan must better identify and describe each work project in accordance with what was discovered during the technical review and described in the report, and establish realistic project completion dates with due dates for each project. We ask that you set up a call with EPA and your technical provider before October 25 to discuss a revised Work Plan in order to submit it by November 1.

Entry Point to Distribution

Under the inorganic chemical sampling and analytical requirements of the SDWA, 40 C.F.R. § 141.23, community water systems must conduct arsenic monitoring to determine compliance with the MCL, including taking one sample at every entry point to the distribution ("EPTD") during each compliance period which is representative of each well after treatment. Based on the System's submitted arsenic analytical reports to EPA from Babcock Laboratories, Inc., arsenic sampling is not being consistently taken at the System's EPTD. Therefore, EPA is making a determination based on relevant information and visual confirmation that the System's EPTD for Well 1 (GW001), will be located at the nearest sampling tap directly after arsenic treatment. No other sampling location (e.g., Storage Tank) will be an acceptable location pursuant to the sampling and analytical requirements under SDWA, 40 C.F.R. § 141.23, unless otherwise noted in writing by EPA.

If you or anyone on your staff have technical questions, please contact Everett Pringle at (415) 972-3548 or via email to pringle.everett@epa.gov. Legal questions should be directed to Marcela von Vacano in our Office of Regional Counsel at (415) 972-3905, or via e-mail to vonvacano.marcela@epa.gov.

Thank you for your prompt attention to this matter.

Sincerely,

Handwritten initials

Handwritten signature: Amy C. Miller

Amy C. Miller, Director
Enforcement and Compliance Assurance Division

cc: The Honorable Thomas Tortez. Torres Martinez Desert Cahuilla Indian Reservation

Attachment A

*Our water is now at 0 parts per
billion from 9.9 from last week
The standard SAFE level is
10 parts per billion The water is
safe to drink*

*Nuestra agua ahora esta en 0 partes
por billon de 9.9 de la semana
pasada El nivel SAFE estandar es de
10 partes por billion El agua es
segura para beber*